

**RICHMOND, CALIFORNIA, January 25, 2005**

The Regular Meeting of the Richmond City Council was called to order at 7:35 p.m., by Mayor Irma L. Anderson.

**ROLL CALL**

**Present:** Councilmembers Butt, Penn, Bates, Marquez, Griffin, Rogers, McLaughlin, Viramontes, and Mayor Anderson.  
**Absent:** None.

**COUNCILMEMBERS CODE OF CONDUCT**

The City Clerk read the Councilmembers Code of Conduct.

**ELECTION OF VICE MAYOR**

On motion of Vice Mayor Griffin, seconded by Councilmember Penn, the Council voted unanimously to elect Councilmember Jim Rogers as Vice Mayor for 2005.

**PRESENTATION TO OUTGOING VICE MAYOR GRIFFIN**

Mayor Anderson presented a plaque to outgoing Vice Mayor Richard Griffin. She stated that the plaque denotes Councilmember Griffin's outstanding and dedicated services to the Citizens of Richmond. She personally thanked him for his support. Councilmember Griffin said that it was his pleasure to work with the Mayor and City Council.

**PRESENTATIONS, PROCLAMATIONS, AND COMMENDATIONS**

City Clerk read a proclamation acknowledging the Inaugural Induction Ceremony for the Contra Costa College Hall of Fame. Mayor Anderson presented the proclamation to Dr. Helen Carr, Contra Costa College President. Dr. Carr thanked the Council on behalf of the inductees. The following individual spoke on the matter: Joe D. Banks. The following individuals were inducted into the Hall of Fame: Joe D. Banks; late Bert Coffey; Eugene Corr; Richard Granzella Family; Mabel Hom; The Mechanics Bank; Leroy Mims; Karleen Shields-Thompson; Dorothy Wendt; and late Sy Zell.

Reverend George Brown, Richmond Police Chaplains President, presented an Award of Recognition to Delon Jackson, Richmond Police Officer, in recognition of his service to the Richmond Police Chaplains Program and the Richmond community. Officer Jackson thanked the Richmond Police Chaplains, City Council, and the Citizens of Richmond for the recognition. He said that Richmond is everyone's community and it is everyone's duty to serve.

**APPOINTMENTS TO CITY COUNCIL STANDING  
COMMITTEES; REGIONAL COMMITTEES; BOARDS,  
COMMISSIONS AND COMMITTEE LIAISONS**

Mayor Anderson made the following appointments:

**Finance, Administrative Services, and Economic  
Development**

Chairperson: Councilmember Viramontes

Committee Members: Councilmembers Penn and Griffin

**Public Safety Public Services**

Chairperson: Councilmember Marquez

Committee Members: Councilmembers Bates and Rogers

**Rules & Procedures**

Chairperson: Councilmember Penn

Committee Members Councilmembers Butt and McLaughlin

**Regional Committees**

**West County Integrated Waste Management Authority**

**Members:** Councilmembers Viramontes, Bates and Griffin

**Alternate:** Vice Mayor Rogers

**West Contra Costa Transportation Advisory Committee  
(WCCTAC)**

**Members:** Councilmembers Penn, Viramontes, and Mayor  
Anderson

**Alternate:** Councilmember Butt

**West County Agency**

**Members:** Councilmembers Bates and Griffin

**Alternate:** Councilmember Penn

**Boards, Commissions and Committee Liaisons**

**Arts and Culture:** Councilmember McLaughlin

**Commission on Aging:** Councilmember Griffin

**East Bay Regional Parks:** Councilmember Butt and Mayor  
Anderson. **Alternate:** Councilmember McLaughlin

**Crime Prevention:** Councilmember Marquez

**West Contra Costa Unified School District:** Councilmember  
Griffin

**Economic Development Commission:** Councilmember Penn

**Housing Advisory Board:** Councilmember Bates

**Human Relations Commission:** Vice Mayor Rogers

**Library Commission:** Councilmember McLaughlin

**Police Commission:** Councilmembers Griffin and Viramontes

**Planning Commission:** Councilmember Penn

**Workforce Investment Board:** Councilmember Marquez

**Design Review Board:** Councilmember Butt

**Recreation and Parks Commission:** Councilmember Marquez and McLaughlin

**Sister City Relations Commission – Regla, Cuba; Shimada, Japan; and, Zhoushan, China:** Councilmember Bates

**Youth Commission:** Councilmember Griffin

**Revolving Loan Fund:** Councilmember Bates

**Richmond Main Street Initiative:** Councilmember Marquez

On motion of Councilmember Bates, seconded by Councilmember Griffin approved the Mayor's recommendations by the unanimous vote of the Council.

#### **APPROVAL OF MINUTES**

On motion of Councilmember Butt, seconded by Councilmember Griffin approved the minutes of the Regular Meeting held on January 18, 2005, by the unanimous vote of the Council.

#### **STATEMENT OF CONFLICT OF INTEREST**

None.

#### **AGENDA REVIEW**

Moved Agenda Item R-4 to follow the Consent Calendar.

Referred Agenda Item R-7 to the Personnel Ad hoc Committee requesting a written report to Council in two weeks on Tuesday, February 8, 2005. Mayor Anderson appointed Councilmembers Penn, Butt, and Marquez to the Ad hoc Committee.

#### **REPORT FROM CITY ATTORNEY OF FINAL DECISIONS MADE AND NON-CONFIDENTIAL DISCUSSIONS HELD DURING EXECUTIVE SESSION**

Conference with Legal Counsel: Labor Negotiations Consultation with Renne, Sloan, Holtzman, and Sakai, LLP, discussed a report regarding the Executive Management salary survey. The report will be brought back to Council later for discussion, and possible action.

Conference with Legal Counsel: Existing Litigation Kubota vs. City of Richmond – update only.

Discussion on Personnel Procedures for Council-Appointed Employees – Information provided, but a lengthy discussion held.

Conference with Legal Counsel: Potential Litigation

Two motions made as follows:

SAP – On motion of Councilmember Bates, seconded by Councilmember Griffin, to acquire the necessary equipment to bring the system up to speed with a progress report to Council in 90 days. Motion passed unanimously.

SAP – On motion of Councilmember Butt, seconded by Councilmember Viramontes, to obtain an outside legal assessment regarding SAP/Solbourne and to submit a report to Council in one week in Executive Session. Motion passed unanimously.

Public Employee Performance Evaluation

Discussion held regarding the Office of the City Manager and the Office of the City Attorney.

Brief discussion held regarding interaction between Members of the City Council.

**REPORTS OF STANDING COMMITTEES AND MAYOR**

No report from the Public Safety Public Services Standing Committee.

No report from the Finance, Administrative Services, and Economic Development Standing Committee.

Councilmember Penn, Chairperson of the Rules and Procedures Standing committee reported that the Committee met on Monday, January 24. At that meeting discussions were held regarding a Code of Ethics for the Council; Charter Review Process; discussion regarding adherence to the criteria regarding Reports of Officers; and placement of items on the City Council Agenda. Additionally, she said that the City Clerk distributed copies of the Brown Act to the Council.

Mayor Anderson reported that attended the US Conference of Mayor meeting held in Washington, DC. She is the Chairperson of the Child Health and Human Services Committee. She said that the Committee discussed obesity. Additionally, she stated that she had received requests from students at Richmond High School regarding assistance with weight loss and obesity. She reported that the City of Richmond received a grant for \$1.58 million for Transportation for Livable Communities at Metro Walk. Several Councilmembers attended the Town Hall meeting sponsored by Assemblymember Loni Hancock regarding urban casinos. A banquet was held for the Richmond Steelers on Sunday, January 23, 2005, at the Richmond Convention Center. Councilmember Griffin and Mayor Anderson sent letters to local businesses requesting donations of equipment and uniforms to the Richmond Steelers. On Monday, January 24 visited Verde Elementary School where the Assistance League of Diablo Valley donated \$25,000 in school uniforms under project Operation School Bell.

**CONSENT CALENDAR**

On motion of Councilmember Marquez, seconded by Councilmember Penn, all items marked with an asterisk (\*-) were approved by the unanimous vote of the Council.

\*-Adopted **Ordinance No. 5-05, N.S.**, amending Richmond Municipal Code Chapter 12.22, Article XII relating to Stormwater Management and Discharge Control with the City of Richmond.

### **OPEN FORUM FOR PUBLIC COMMENT**

Mike Ali announced an International Day of Solidarity sponsored by the organization American Indian Movement on Saturday, February 5, 2005, in Tacoma, Washington.

Reverend George Brown requested donations for the Richmond High School Girls Basketball team for an educational trip to New York City. The telephone number for more information is 510.830.9545.

Juan Reardon gave comments regarding the recent dismissal Joan Kubota. He stated that the dismissal of Ms. Kubota is another attempt of Richmond City government and the Richmond Police Union bosses to undermine the integrity, functionality, and independence of the Richmond Police Oversight Commission.

Corky Booze directed his comments to Mayor Anderson regarding her failure to initiate any type of celebration in the City of Richmond honoring Martin Luther King, Jr. Day, and her lack of effort to honor Ken Carter, subject of the motion picture "Coach Carter."

Roberto Reyes, Richmond Progressive Alliance, gave comments regarding the Homeless in the City of Richmond. He requested the Council resurrect the City's Camping Ordinance.

### **PUBLIC HEARING**

None.

### **AGREEMENTS**

A proposed approval of a Memorandum of Understanding (MOU) between the Bureau of Indian Affairs and the City of Richmond for the Point Molate Resort Environmental Impact Statement/Environmental Impact Report (EIS/EIR). Rich McCoy, Assistant City Manager, gave an overview of the matter and Barry Cromartie, Planning Director, gave comments regarding what the Council can expect from him during the CEQA/NEPA process. The following individuals spoke on the matter: Mike Ali, Tarnel Abbott, Mary Oshima and Jim Levine. Discussion ensued. Councilmember McLaughlin, stated that she would vote against the matter in light of growing opposition to urban casinos by the public. Following discussion, on motion of Councilmember Griffin, seconded by Councilmember Bates approved a Memorandum of Understanding. Following discussion, on motion of Councilmember Griffin, seconded by Councilmember Bates, approved the Memorandum of Understanding by the following vote: **Ayes:** Councilmembers Butt, Penn, Bates, Marquez, Griffin, Rogers, Viramontes, and Mayor Anderson. **Noes:** Councilmember McLaughlin. **Abstain:** None. **Absent:** None.

## **RESOLUTIONS**

None.

## **ORDINANCES**

A proposed ordinance amendment to Section 8.22.110 (Public Nuisance/Abatement) to provide a reward for information resulting in the arrest or citation of an individual who has violated any provision of Chapter 9.22 and ultimately pays a fine or a fee. There were no questions from the audience. On motion of Councilmember Penn, seconded by Councilmember Butt, received first reading of said ordinance and was laid over one week for second reading by the unanimous vote of the Council.

## **COUNCIL AS WHOLE**

In the matter to consider recommendation for reappointments to the Human Relations Commission of Walter Stuhr and Dr. Alfred Hicks, Incumbents, terms expiring March 30, 2007. There were no questions from the audience. On motion of Councilmember Viramontes, seconded by Councilmember Penn, approved the Mayors recommendations by the unanimous vote of the Council.

In the matter of a report and recommendation regarding Seismic Safety Upgrade Program and authorization to negotiate contracts for structural engineering design services. Jay Corey, Assistant City Manager, gave an overview of the matter. Councilmember Viramontes asked for clarification regarding the financing for the program. Following discussion, on motion of Councilmember Penn, seconded by Councilmember Griffin, accepted the report by the unanimous vote of the Council.

In the matter to consider adopting a resolution approving the November 2004 Financial Report for Fiscal Year 2004-2005. In discussion, the Council listed several matters of importance and necessary for resolution – Convention Center, Employment and Training, and the Port. Following discussion, on motion of Councilmember Viramontes, seconded by Councilmember Penn, acknowledged receipt of the November 2004 Financial Report by the unanimous vote of the Council.

In the matter to consider a recommendation regarding a proposed ordinance to add Chapter 13.57 to the Richmond Municipal Code, pertaining to Neighborhood Improvement and Community Enhancement Districts. Jay Corey, Assistant City Manager of Community and Economic Development gave an overview of the matter. The following individuals spoke on the matter. Michael Ali, Ramona Samuels, and Margaret Morkowski. Discussion ensued. Councilmember McLaughlin stated her opposition to the idea because it does not appear to be democratic. Councilmember Butt gave comments on the matter. Councilmember Marquez requested the information be provided in English and Spanish when it is distributed to the people of the community. Sam Sperry, Orrick, Herrington, and Sutcliffe explained that the matter would be an assessment ballot procedure. Councilmember Bates stated that he would not support the matter because he has not seen the groundswell of support from the community. Following discussion, on motion of Councilmember Penn, seconded by Councilmember Butt to support the matter and in those communities where greater than 5

percent of the residents speak a language other than English the Assessment Ballot will be printed in that language in addition to English by the following vote: **Ayes:** Councilmembers Butt, Penn, Marquez, Griffin, Rogers, and Mayor Anderson. **Noes:** Councilmembers Bates, McLaughlin and Viramontes. **Abstain:** None. **Absent:** None.

In the matter of a status report on updating the Creation of Quiet Zones in the City of Richmond. Wayne Nishioka, Assistant City Attorney, gave an overview of the matter. Mr. Nishioka requested that an additional staff person would be helpful. The proposed Quiet Zones in the City of Richmond are: **North Area Quiet Zone:** (1) Atlas/Giant Crossing; (2) Griffin Crossing; (3) John Crossing. **West Area Quiet Zone:** (1) Richmond Avenue Crossing; (2) Garrard Crossing; (3) Cutting Crossing; and, (4) Canal Crossing. **South Area Quiet Zone:** (1) Harbour/Wright Crossing; (2) Harbour Crossing; (3) Marina Way South Crossing #1 (Northern); (4) Marina Way South Crossing #2; (5) Regatta Crossing; and, (6) Marina Bay Parkway Crossing. In discussion, Councilmember Butt stated that an effort should be made to incorporate a contribution from developers toward the implementation of the quiet zones. Following discussion, on motion of Councilmember Griffin, seconded by Councilmember Viramontes approved the Status Report by the unanimous vote of the Council.

In the matter to discuss adopting a Green Building Ordinance that requires all new building projects to achieve a Leadership in Energy and Environmental Design (LEED) Silver Certificate from the U.S. Green Building Council (USGBC). Councilmember Butt gave an overview of the matter. He corrected the report to reflect that the buildings would be those projects undertaken under the auspices of the City of Richmond. Following discussion, a Study Session will be scheduled in the near future to discuss the matter in depth.

Withdrew discussion on personnel procedures for Council-appointed employees. Mayor Anderson referred the matter to the Personnel Ad hoc Committee.

In the matter to consider adopting an ordinance amending Chapter 15.04 of the Richmond Municipal Code pertaining to Conditional Use Permits for Alcoholic Beverage Sales. Barry Cromartie, Planning Director gave an overview of the matter. He stated that many of the changes to the current ordinance were formatting. In addition, he stated that the revisions to the ordinance would include clear definitions of on-sale and off-sale alcohol beverage establishments. He thanked Supervisor John Gioia for his assistance with the changes. The following individual spoke on the matter: Naomi Williams. Following discussion, on motion of Councilmember Butt, seconded by Councilmember Griffin, said ordinance received first reading and was held over one week for second reading by the unanimous vote of the Council.

In the matter of a staff report regarding closing out the Richmond Parkway Project. Rich Davidson, Engineer, gave an overview of the matter. Discussion ensued. Following discussion, the Council accepted the report.

In the matter of a discussion regarding cleaning up the Richmond Parkway. Phil Batchelor, Interim City Manager presented the report. He recommended hiring two people permanently to work on the maintenance of the Parkway and four temporary Maintenance Aide positions, purchase the necessary supplies, allocate the two new Street Sweepers, and train the individuals and place cleaning the Parkway on the rotation. The following individual spoke on the matter: Lynda McPhee. Following discussion, on motion of Councilmember Viramontes, seconded by Councilmember Penn, approve the recommendations by the unanimous vote of the Council.

### **CALL FOR BIDS AND PROPOSALS**

None.

### **COMMUNICATIONS**

None.

### **REPORTS OF OFFICERS**

#### **Mayor Anderson**

Responded to earlier comments made by Corky Booze under Open Forum.

#### **Phil Batchelor, Interim City Manager**

Reported the establishment of the Emergency Operations Center at 1401 Marina Way South. He stated that a 400Kw generator to power the building in case of a power outage. He thanked the Public Works Department and Jim Fajardo, Fire Department, for their assistance.

#### **Everett Jenkins, Interim City Attorney**

Met with Reverend Andre Shumake earlier in the week.

#### **Councilmember Griffin**

Reported several concerns voiced by Laurel Park Neighborhood Councilmembers. Mayor Anderson reported that the issues have been resolved.

The West Contra Costa Unified School District has requested inclusion in the City of Richmond's Centennial Birthday Celebration.

Requested Councilmember Penn and the Rules and Procedures Standing Committee continue to work on the Council's Code of Ethics.

#### **Vice Mayor Rogers**

Thanked the Council for the appointment as Vice Mayor.

**Councilmember McLaughlin**

Thanked Mayor Anderson for the Committee assignment.

Encouraged the public to attend and participate in the Planning Retreat being held on Saturday, January 29, 2005.

Thanked the Laurel Park Neighborhood Council for inviting her to their meeting.

Requested a public discussion regarding the role of the Police Commission.

**Councilmember Viramontes**

Attended two meetings in Sacramento—(1) State Transportation Meeting and the Governor's intention to suspend Proposition 42 until 2007; (2) meeting discussing legislation currently on the table by Governor Schwarzenegger to end the State's Defined Benefit Program and replace it with a 401(k) pension alternative. She suggested that a working committee be formed to stay informed on the issue.

**Diane Holmes, City Clerk**

Reminded the Councilmembers that the Semi-Annual reports are due on Monday, January 31, 2005, at 5:00 p.m., in the Office of the City Clerk.

**Councilmember Penn**

Attended the Crime Prevention meeting.

Will attend a class at UC Berkeley regarding effective Code Enforcement.

**Councilmember Bates**

Expressed his appreciation to Mayor Anderson for appointing him to the Revolving Loan Fund Committee. He quipped that since there is no money he has nothing to do.

**Councilmember Marquez**

Thanked Mayor Anderson for the Committee assignments.

Attended the East Bay Division dinner for newly elected Councilmembers.

Attended a retreat in San Diego with the League of California Cities Latino Caucus. He stated that the "Coach Carter" movie was on the lips of everyone there.

Expressed concern that tattoo parlors are not regulated. He asked staff to look into the matter and perhaps develop some regulations.

Reminded the Police Department that the merchants of 23<sup>rd</sup> Street, and nearby residents are complaining about the prostitution activities in the area.

**ADJOURNMENT**

There being no further business adjourned the meeting at 10:42 p.m., to meet again in one week on Tuesday, February 1, 2005, at 7:00 p.m.

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City Clerk

(SEAL)

Approved:

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Mayor